

REMARKS

This amendment is presented in order to further define the invention in response to the Examiner's Advisory Action. No new matter has been added, support for the amendments are clearly set forth in the specification and shown in the drawings, especially FIGS. 6-11B.

The cited references cannot anticipate, nor teach or suggest the present invention as claimed. As stated in the Advisory Action, the Examiner looks to the noted Dictionary for the definition of the word container. However, it is well settled that the language of the claims is first to be read in light of the specification, see *Allen Archery, Inc. v. Browning Mfg. Co.*, 819 F.2d 1087, 2 USPQ2d 1490, 1494 (Fed. Cir. 1987). Moreover, this precept has been incorporated into the MPEP, which states that "the meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import", see MPEP §608.01(o). The definiteness of the language employed must be analyzed not at a vacuum, as the Examiner has done, but instead in the light of the teachings of the prior art and the particular application disclosure as it would be interpreted by one possessing ordinary level of skill in the pertinent art, see *In re Angstadt*, 537 F.2d 498, 190 USPQ 214, 217 (C.C.P.A. 1976) (quoting *In re Moore*, 439 F.2d 1232, 1235, 169 USPQ 236, 238 (C.C.P.A. 1971))! The law is clear that "if the claims, read in light of the specification, reasonably apprise those skilled in the art with of the utilization and the scope of the invention, and if the language is as precise as the subject matter permits, the courts can demand no more, see *North Am. Vaccine, Inc. v. American Cyanamid Co.*, 7F.3d 1571, 28 USPQ2d 1333, 1339 (Fed. Cir. 1993).

In any event, the claims have been amended to further define Applicant's container as defined in the specification, and one of ordinary skill in the art would clearly see that this cited Gohman and Freedman references are non-analogous art relating to a shovel and a car seat, respectively and thus lack the claimed structure of the invention.

The independent claims have been amended to further define the structural relationship between the components of the slotted track and arrangement in the guide member and further in relation to the container to which the attachment apparatus is

adapted to be connected as set forth in claims 1 and 15, and the container itself as claimed positively in claim 15. The cited references are clearly non-analogous art and lack the claimed structural relationships of the invention.

It is respectfully submitted that the claims are in condition for allowance and a notice of such is earnestly solicited. Should the Examiner have any questions or concerns regarding this response, a telephone call to the undersigned would be greatly appreciated.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. L.P.A.



Daniel J. Hudak, Jr.
Registration No. 47,669

DJHjr/dp
2020 Front St., Suite 307
Cuyahoga Falls, Ohio 44221
330-535-2220

Attorney Docket No. ESTES-A-CIP-RCE